

**S.B. Civil Writ Petition No.5332/2004
(Jogaram Patel V/s State of Raj. & Ors.)**

Date of Order : 6/12/2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. Bharat Devasi, for the petitioner/s

Heard learned counsel for the petitioner.

The petitioner is challenging the order of the Divisional Commissioner dated 29.10.2002, by which the petitioner was declared disqualified to contest the election for the Gram Panchayat as he was found guilty in the proceeding initiated against the petitioner under Sections 38 and 39 of the Rajasthan Panchayati Raj Act, 1994. The allegation against the petitioner was that he issued a patta of a land without there being any proceeding taken by the Gram Panchayat. The petitioner took a defence that the Gram Sweak-cum-Group Secretary obtained signature of the petitioner by misleading the petitioner and keeping the petitioner in dark. That contention was rejected by the authorities and thereafter the impugned order was passed.

Learned counsel for the petitioner submits that the cause of action accrued to the petitioner on passing of the order dated 6.11.2002, which is still continuous and since now the next elections are likely to be held for the Gram Panchayat in which the

petitioner wants to contest the election, therefore, the petitioner has challenged the order dated 6.11.2002 now after delay of more than three years.

It appears that the petitioner virtually admitted that the wrong patta was issued with his signature and his defence was not accepted by the authorities after evidence. The petitioner's fate stands sealed with the order dated 6.11.2002. So far as the contention of the petitioner that he is eligible to contest the future elections of the Gram Panchayat is concerned, was already sealed by the order dated 6.11.2002 and it cannot be a continuous cause of action. His right was taken away by the order dated 6.11.2002 once and once finally.

In view of the above writ petition of the petitioner after delay of three years to challenge the order of his disqualification to contest the election deserves to be dismissed only on the ground of inordinate delay. The writ petition is, therefore, dismissed.

(PRAKASH TATIA) J.

Rm/